

RESOLUTION NO. 2017-35

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SUPPLEMENTING THE PROCEDURES AND CIVILITY RESOLUTION (RESOLUTION 2016-27); REAFFIRMING OPERATIONAL PROTOCOLS FOR VILLAGE COUNCIL INITIATIVES AND COORDINATION WITH THE MANAGER; REAFFIRMING STANDARDS FOR TRANSPARENCY AND REPORTING; PROVIDING FOR AN EFFECTIVE DATE AND DATE FOR REVIEW.

WHEREAS, the Village Council has adopted expanded and updated rules and procedures to assist in the orderly conduct of Village Council meetings, as memorialized in Resolution 2016-27 (the “Procedures Resolution” or sometimes referred to as the “Civility Resolution”); and

WHEREAS, various Village Council policy decisions and project initiatives require preparation, work and communications with third-parties outside of Village Council meetings; and

WHEREAS, this Village Council has concluded that there is a need to revisit and reaffirm Charter-established protocols which vest in the Village Council as a whole all decision-making authority for Village business, and which vest in the Manager the responsibility to administer and execute on the policy directions of the Village Council; and

WHEREAS, this Village Council has found that confusion, distraction and conflict arise when a Councilmember assumes unilateral prerogatives, ostensibly on behalf of the Village Council but without the full knowledge or expressed direction of the Village Council as a whole; and

WHEREAS, this Village Council has found that Council cohesion and the Manager’s administrative responsibilities may be undermined in cases where individual Councilmembers take actions, make public statements or pursue goals beyond exploration or fact finding that have not been validated, authorized or ratified by the Village Council as a whole; and

WHEREAS, this Village Council considers it necessary to reaffirm essential principals regarding Village Council powers and procedures, and the interrelationship between the Village Council and Manager, and the Manager’s prerogatives and responsibilities, all to reinforce norms and expectations for the conduct of Village business outside of Village Council meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. The Village Council hereby reaffirms and/or adopts the following rules of procedure and order to govern the conduct of its business and the pursuit of action items approved by the Village Council outside of regular or special meetings:

1. Decisions, policies and action items affecting the Village, the Village Council or the Village administration are the prerogatives of the Village Council as a whole, and not any individual Councilmembers, and shall be confirmed or ratified by vote or by consensus. Consensus is to be confirmed in a manner that is clear to all Councilmembers, consistent with the standing rules governing Village Council proceedings.
2. The Village Council invokes and reaffirms Section 17 of the Civility Resolution, which states in effect that no Councilmember will take on an initiative beyond exploration or fact finding or implement a decision unilaterally, without the prior approval of the Village Council as a whole, by vote or consensus.
3. No individual Councilmember will assume point-of-contact responsibility for the Village Council or purport to do so in connection with Village business with third parties, governmental or otherwise, without prior authorization by the Village Council as a whole.
4. The Village Council recognizes that operational, administrative and executive functions are vested in the Manager. Neither the Mayor nor any individual Councilmember is empowered under the Charter to direct the Manager, or the Village Attorney or Village Clerk, or to manage or direct Village staff. Council requests for staff support shall be communicated only through the Manager.
5. Subject to the Managers executive oversight, the Village Council recognizes that it may be desirable for selected projects to be delegated from time to time to specific Councilmembers whose interests and background commend their personal, direct engagement with the Manager, as the representative of the Village Council. The Village Council therefore may designate a Councilmember or Councilmembers, the Mayor or otherwise, to assist the Manager on the primary day-to-day or operational responsibility for Village business with third parties or project initiatives.
6. All Councilmembers will use good faith reasonable efforts to circulate to the Village Council as a whole, in advance to the extent practicable, draft policy-based

communications intended to be disseminated to media or to third parties by a Councilmember on any matter affecting Village interests. The Village Clerk or Manager will be copied and used to disseminate drafts or proposals and to elicit comments, as reasonably practicable before any Councilmember takes a public position, speaking for the Village or Village Council.

7. The Village Council will recall its civility protocol during all discussions regarding delegations to Councilmembers.
8. The Village Council expressly intends and directs all Councilmembers to comport themselves so that delegations as contemplated in this Resolution are effectuated and managed in a manner compatible with the standing duties conferred on the Office of the Mayor and the Village Council in the Village Charter, and with the Sunshine Law. The Village Council specifically intends and finds that the purposes of this Resolution do not violate Village Charter Section 2.02, which states that the Mayor shall be recognized as the head of the Village for, among other purposes, all dealings with other governmental entities.
9. Councilmembers shall afford reasonable discretion to a Councilmember to whom a project is delegated, subject to Village Council supervision and coordination with the Manager overall, and Councilmembers shall take due care not to introduce confusion or contradiction, or subvert delegated initiatives, by word or action.
10. The Village Council understands that fullest possible transparency in the governmental process, consistent with the Sunshine Law, reinforces trust and confidence, engendering positive collaboration on matters of public interest and an efficient and effective means to pursue goals and objectives on behalf of the Village. Therefore, as provided in Section 18 of the Civility Resolution, subject to Sunshine Law constraints, Councilmembers will endeavor to report to their colleagues, actively and on a timely basis as events warrant, as to particular initiatives undertaken by individual Councilmembers.
11. Delegated projects may be withdrawn and reassigned at any time by consensus of the Village Council.
12. The Village Council will maintain a communal calendar, maintained by the Clerk, for all meetings related to Village business. This Calendar will also include all

posted "Sunshine" meetings. This information will serve to keep fellow Councilmembers informed of ongoing work, as well as, to keep them up to date as to expectations of informational updates from such meetings.

13. The Village Clerk will send E-mail notifications to all Councilmembers regarding Sunshine Meetings.

Section 2. References herein to Councilmembers shall refer to each member of the Village Council and all of them, including the Mayor.

Section 3. The introductory recitals and provisions of Section 1 and Section 2 above are incorporated within and made a part of the Civility Resolution.

Section 4. This Resolution shall be effective immediately from and after adoption hereof.

Section 5. The Village Council intends this Resolution to stand for the remainder of the term of the present Council and thereafter if the next succeeding Council wishes to maintain this Resolution in effect. Therefore, the Village Clerk is directed to place this Resolution on the agenda as an action item at the regular Council meeting next following the sixth month after the installation ceremony for the next Council, for discussion and a determination by Council as to whether this Resolution should be continued in effect, or amended or repealed. The Village Clerk is directed to inform the next Village Council of this built-in review at the first regular meeting of the next Village Council.

PASSED AND ADOPTED this 13th day of June, 2017.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


VILLAGE ATTORNEY

